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Congress of the United States

Washington, DC 20510
January 13, 2005

Mr. Vernon Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20006

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Office of Proceedings

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Re: Finance Docket No. 34645
The Burlington Northern and Santa Fe Railway Company -
Acquisition and Operation Exemption - State of South Dakota

Dear Secretary Williams:

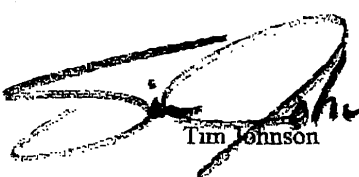
We are writing to the Surface Transportation Board regarding the Notice of Exemption filed by The Burlington Northern and Santa Fe Railway (BNSF) in the above-referenced proceeding.

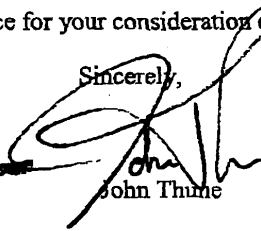
The rail system in South Dakota is critically important to the economic well being of the people of our state. Therefore, we strongly urge the Board to stay the Notice of Exemption so that the Board can consider and rule upon the Petition for Partial Revocation of the Exemption to be filed by the State of South Dakota.

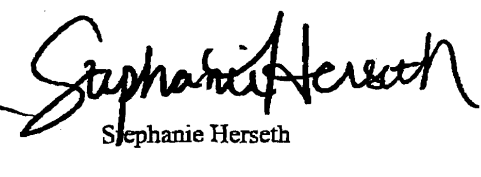
South Dakota has carefully nurtured the development of the State rail infrastructure by acquiring abandoned rail lines throughout the state and investing substantial sums in the rehabilitation of these rail lines. The decision of the BNSF to acquire ownership and control of approximately 370 rail miles of the core State rail system could undermine the infrastructure and services that the State has worked to preserve and improve. In order to maintain existing market access and best serve the people of our state, the Board must carefully evaluate the conditions that are necessary to this significant acquisition. A more thorough review of the Notice of Exemption filed by the BNSF is essential and prudent.

We thank the Board in advance for your consideration of this important matter.

Sincerely,


Tim Johnson


John Thune


Stephanie Herseth

cc: The Honorable Mr. Roger Nober, Chairman, Surface Transportation Board
Mr. Jeff Moreland, Executive Vice President, Law & Government Affairs and
Secretary, Burlington Northern Santa Fe Railway
The Honorable Michael Rounds, Governor, State of South Dakota



U.S. Senator • South Dakota

Tim Johnson



Fax Cover Sheet

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TO: Chairman Naber and Secretary Williams

FROM: 565-9019

<input type="checkbox"/> ADAM HEALY	<input type="checkbox"/> IRA TAKEN ALIVE	<input type="checkbox"/> MEGAN COLON
<input type="checkbox"/> BETH NIELSON	<input type="checkbox"/> JAMIE EUKEN	<input type="checkbox"/> NANCY SWENSON
<input type="checkbox"/> BOB MARTIN	<input type="checkbox"/> JULIANNE FISHER	<input type="checkbox"/> NAOMI CAMPER
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<input type="checkbox"/> DEAN MEINEN	<input type="checkbox"/> LIBBY CANTER	<input type="checkbox"/> SUSAN HANSEN
<input type="checkbox"/> DREY SAMUELSON	<input type="checkbox"/> LUCI WEIGEL	<input type="checkbox"/> TODD STUBBENDIECK
<input type="checkbox"/> ERIN BARRY	<input type="checkbox"/> MARA BAER	<input type="checkbox"/> OTHER
<input type="checkbox"/> ERIN CROWDER	<input checked="" type="checkbox"/> MATT THORNBLAD	

DATE: 1/13/05

NUMBER OF PAGES TO FOLLOW: 1

MESSAGE: To Secretary Williams